

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

UNITED STATES OF AMERICA

v.

KEIVIN HERVY

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§  
§

No. 4:21-CR-87  
Judge Mazzant

**FILED**

AUG 12 2021

Clerk, U.S. District Court  
Texas Eastern

**FIRST SUPERSEDING INDICTMENT**

The United States Grand Jury Charges:

**COUNT ONE**

Violation: 18 U.S.C. § 922(g)(1)  
(Felon in Possession of a Firearm)

On or about November 8, 2020, in the Eastern District of Texas, defendant KEIVIN HERVY, knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess in and affecting interstate commerce a firearm, to-wit: A Rohm, Model RG38, 38 Caliber Revolver, bearing Serial Number 175417.

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

## **COUNT TWO**

Violation: 18 U.S.C. § 922(o)  
(Illegal Possession of a  
Machinegun)

On or about November 8, 2020, in the Eastern District of Texas, defendant KEIVIN HERVY, did knowingly possess a machinegun, that is, a Bushmaster pistol, 5.56, bearing serial number GC/BM-P-J00296-000I;

In violation of Title 18, United States Code, Sections 922(o) and 924(a)(2).

## **NOTICE OF INTENTION TO SEEK CRIMINAL FORFEITURE**

### **Criminal Forfeiture Pursuant to 18 U.S.C. § 924(d)**

As a result of committing the felony offenses alleged in Count One and Count Two of this First Superseding Indictment, defendant, KEIVIN HERVY, shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d) all firearms and ammunition involved in the offense, including but not limited to the following:

1. Rohm, Model RG38, 38 Caliber Revolver, bearing Serial Number 175417;
2. Bushmaster pistol, 5.56, SN: GC/BM-P-J00296-000I;
3. Any Ammunition associated with the case.

A TRUE BILL



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FOREPERSON

NICHOLAS J. GANJEI  
ACTING UNITED STATES ATTORNEY

  
\_\_\_\_\_  
MATTHEW T. JOHNSON  
Assistant United States Attorney

Date: 8/12/21

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**NOTICE OF PENALTY**

**Counts One and Two**

Violation: 18 U.S.C. §§ 922(g)(1) & 922(o)

Penalty: Imprisonment of not more than ten years, a fine not to exceed \$250,000, or both; a term of supervised release of not more than three years.

If it is shown the defendant has three previous convictions by any court for a violent felony or a serious drug offense, or both, committed on occasions different from one another - Imprisonment of 15 years to life, a fine not to exceed \$250,000.00, or both; a term of supervised release of at least 3 years but not more than 5 years.

Special Assessment: \$ 100.00